

b.) Remarks

Claims 9 and 10 have been amended in order to recite the present invention with the specificity required by statute. The subject matter of the amendment is found in the specification as filed, *inter alia*, at page 6, lines 8-14, from page 7, line 24 to page 8, line 5, and page 9, lines 1-6. Accordingly, no new matter has been added.

Claims 9-14 are rejected under 35 U.S.C. §102(e) as anticipated over Iwasaki (U.S. Patent No. 5,972,493). Additionally, claims 9 and 12 are rejected under 35 U.S.C. §103(a) as being obvious over Murata (U.S. Patent No. 4,143,473) in view of Taketa (U.S. Patent No. 6,200,680) and claims 9 and 10 are rejected as being obvious over Iwasaki in view of Mallik (U.S. Patent No. 4,921,319).

This rejection is respectfully traversed.

Iwasaki teaches a well known magnetic display device, and in which lustrous rutile pigments^{2/} can be used as non-magnetic particles. The Examiner states the rutile pigments correspond to background pigments of the toy in the pending claims. However, in Iwasaki, the rutile pigments always provide a background color, and so differ in kind from the claimed invention in which only the image (formed by applying of the magnetic pen or stamp) has luster.

Takeda teaches mica particles coated by titanium oxide and an electronic game equipment. In Takeda, the mica particles only prevent photo-deterioration of the display portion by absorbing ultraviolet light.

However, Takeda does not teach or suggest any device which forms an image by migrating the magnetic particles upon application of magnetic pen or magnetic stamp, as in the pending claims. Takeda merely teaches a method for coloring magnetic particles. Moreover, in the present invention, no luster is visible in the state where no

^{2/} Reddish-brown titanium dioxide crystals.

image is formed, but once magnetic particles migrate through application of magnetic pen or stamp, the luster image becomes visible.

Accordingly, respectfully submitted, the art neither anticipates nor renders obvious the subject matter of the pending claims.

Still, in order to even further better distinguish the present invention over the prior art, the claims have been amended as well in order to recite that the magnetic display toy features an upper transparent flat-sheet member with iridescent luster or iridescence caused by iridescent luster pigments which comprise natural mica particles (i) of 5-300 μm , the surfaces being coated with 14-68% by weight of titanium oxide at an optical thickness of 110-415 nm, or (ii) the surfaces of which are coated by non-thermochromic pigment or iron-oxide.

These features are plainly neither taught (whether explicitly or inherently) or suggested by any of this prior art. Accordingly, for these additional reasons, Applicant respectfully submits the pending claims recite patentable and unobvious subject matter.

In view of the above amendments and remarks, Applicant submits that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Reconsideration and allowance of this application is therefore earnestly solicited.

Claims 9-14 remain presented for continued prosecution.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence S. Perry", is written over a horizontal line.

Attorney for Applicant
Lawrence S. Perry
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

LSP\ac

NY_MAIN 442086v1